

THIS WEATHER
Tonight and Sunday generally fair;
not much change in temperature;
maximum 54; minimum 29; range
25; at 8 a. m. 27; southwest winds;
partly cloudy.

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THE EVENING HERALD
Vol. 29, No. 56.

LEGISLATURE ADJOURNS AMID WILD SCENES

MUCH LITIGATION FORESEEN AS A CONSEQUENCE OF STATUS

Governor Sends Public Monies
Bill to Secretary of State,
With Memorandum of His
Disapproval.

IN HIS OFFICIAL VIEW
SESSION ENDED FRIDAY

Regarded as Certain That
Counts Will Be Asked to Pass
Upon Validity of Laws Passed
After Noon Yesterday.

(State Capital Bureau
or Evening Herald,
51 De Vargas Hotel.)

Santa Fe, N. M., March 12.—That
litigation of an important character
may be instituted in the immediate
future with regard to legislation
enacted by the legislature after the
hour of noon on Friday, March 12, with
a view to testing the validity of the
same is now regarded as almost cer-
tain by those acquainted with the
course which Governor McDonald has
followed in the treatment of bills
which reached his office following the
noon hour on Friday and also with
regard to measures which reached
him within three days of the hour of
noon on March 12.

In this connection the action of the
governor yesterday afternoon in filing
in the office of the secretary of state
without his approval and with a
memorandum attached to amended
Senate bill No. 9, the Clark public
depositories bill, is regarded as es-
pecially significant.

The governor filed this bill in the
secretary's office without any other
statement concerning it, merely stat-
ing that he had done so when asked
by the reporters, who, he said, were
welcome to the records of the secre-
tary's office. The memorandum duly
signed by the governor and attached
to this bill is as follows:

"Executive Office, Santa Fe, N. M.,
(No date.)"

"Having under consideration
amended Senate bill No. 9, entitled
"An act in relation to public monies,
providing for the deposit and safe-
keeping thereof in authorized depositories;
creating boards of finance and
prescribing their duties; providing
for the giving of security by all de-
positories of public monies and fixing
the amount thereof," (S. S. 1000), the
senate, county and municipal treasurers,
providing for the payment by the
state, county, municipality and other
governing bodies of the premiums on
the official bonds thereof; when such
bonds are furnished by surety com-
panies and repelling certain specified
sections of existing law."

"Inasmuch as the legislative session
of the second state legislature expired
at 12 o'clock, noon, today and it is
now after 5 o'clock p. m., I am un-
able to return the bill to the state
treasury and the house in which it
originated for the reason of such ad-
journment and believing that this is
not a proper and desirable bill to be
enacted into law for the state of New
Mexico, I now declare my disapproval
of this bill for the purpose of filing
it with the secretary of state where it
may be held for the purpose of show-
ing such disapproval within the time
prescribed by the state constitution, in
which it is provided that if it is a
proper and just bill for the state it
shall be passed and just bill for the
state it shall have gone into effect
immediately or within the time pre-
scribed by the constitution and the op-
eration not postponed for a period of
nearly two years. (Note: The post-
ponement of the time of effect of
the bill to 1917 was made by amend-
ment in the house.)"

"In Section 11 of this bill it is
provided that any bank desiring to
become a depository of public funds
shall file with the proper board of
finance a proposal to receive such
monies on deposit when the board of
finance shall 'notify such bank that
upon its furnishing a bond or bonds
or other security as provided in this
act, it shall be designated as a depository
of such monies in an amount to be
fixed by said board in accordance
with the provisions hereof and upon
the furnishing of such bond or bonds
or other security authorized by this
act, a certificate shall be issued to
such bank.' That the language of
this bill is such that any bank might
be required to furnish bond prior to
the receipt or assurance that it would
receive any public monies, thus pos-
sibly entailing an unjust and unrea-

(Continued on Page Two.)

60,000 Japanese Troops to Be in China At Early Date

Peking, China, March 12.—The Chinese government has official information to the effect that the second Japanese squadron, conveying two divisions of approximately 20,000 soldiers, has sailed for China.
The forwarding of these troops will increase the number of Japanese soldiers in the garrisons in China to nearly 60,000. The new troops will be distributed in Manchuria, Shantung, Tien Tsin and Hankow, where the present forces of the Japanese garrisons number nearly thirty thousand.
It was made known in Tokyo several days ago that new forces of troops would be dispatched to the Japanese garrisons in China. The explanation was given that this was merely a shifting of troops such as is made at regular intervals, and it was understood that the troops now in China would be withdrawn upon the arrival of the new forces. Subsequently, however, it was intimated that the garrisons now on duty would be retained pending the settlement of the differences which have arisen consequent to the presentation by Japan of demands upon China.

GERMAN MINISTER DEFENDS SINKING OF THE FRYE BY EITEL

Count Bernstorff Claims Act
Was in Accordance With
Declaration of London, Com-
mander's Only Guide.

ACTIONS OF TEUTON
PRIZE COURTS UNKNOWN

Ambassador Has Received No
Instructions from Govern-
ment and Calls at State De-
partment Quite Informally.

Washington, March 12.—Count
Bernstorff, German ambassador, in
discussing with state department officials today the sinking of the
American ship W. P. Frye, defended
the action of Captain Thierichsen of
the German auxiliary cruiser Prinz
Eitel Friedrich, contending that he
acted under the declaration of London,
which was the only guide he had
as to disposition of prizes.

The ambassador before going to the
state department conferred with
Captain Hoyed, naval attache of the
ambassador, who returned yesterday from
Newport News.

Count Bernstorff did not present
any note to the state department and
said he had received no instructions
from his government. He said he
called to discuss the question informally.

In defending the action of Com-
mander Thierichsen, the ambassador
contended that when the officer left
the ship at the outbreak of the war
last August he had nothing to follow
save the declaration of London in de-
ciding what to do with vessels he
might seize. For that reason the am-
bassador argued, he had a right to
sink the Frye as his cargo of wheat
was consigned "to order" and de-
signed to a fortified port of the en-
emy. So long as there was no port
to which he could take his prize, he
had a right, the ambassador contend-
ed, to destroy not only the cargo but
the vessel itself.

Furthermore, the ambassador
argued that the commander of the Prinz
Eitel when he sank the Frye did not
know that a German prize court on
August 5 had held that the mere fact
that a merchant ship was bound for
an enemy port was not sufficient proof
that her cargo was destined for the
enemy.

While no formal comment was
made at the department after the
German ambassador's visit, officials
took the view that although the cap-
tain of the Prinz Eitel may have been
acting under the declaration of London
that might be a factor in relieving
him from personal responsibility but
would not affect the case as be-
tween the United States and the Ger-
man government. Under that de-
claration, a vessel carrying a cargo
more than half of which is contra-
band can be destroyed if unable to be
taken to port.

It was held by administrative officials
that the German captain had no
right to act under the declaration in
any event for when the war broke
out it has not been generally ratified
and therefore was not in force.
The general expectation was that
the case would be decided under in-
ternational law as existing before the
declaration of London was made,
when it was not legal to destroy a
neutral prize unless its cargo was con-
sistently contraband, such as arms and
ammunition, and in case of extreme
necessity to avoid recapture.
Officials were confident restitution
would be made for the loss of the
ship, though they were not so sure as
to the cargo because its status in a
prize court would be as complicated
as that of the Wilhelmus, now held
by England.

Captain of Frye Relates Story of Sinking

American Government Hears
Commander Kiehne; W. D.
Sewall, One of Owners of
Steamer, and Others Testify.

Washington, March 12.—The full
story of how the American sailing
vessel William P. Frye was sunk in
the south Atlantic with her cargo of
wheat by the German commerce raid-
er Prinz Eitel Friedrich, was official-
ly laid before the American govern-
ment today by the Frye's com-
mander, Captain H. H. Kiehne.

Upon Captain Kiehne's formal
statement made before state depart-
ment officials the United States will
decide upon its course, which prob-
ably will be a demand for an expres-
sion of regret from Germany and
payment for the loss of the ship and
cargo.

Captain Kiehne was questioned at
length. The American captain said
he submitted willingly to search and
assured the German he had no cargo
but wheat. The German officers ex-
amined the ship's papers carefully
and then the cargo was ordered
thrown overboard. While that was
being done, the Eitel went away for
another prize, returning after several
hours, and took off the American
skipper and his crew. The Eitel's
captain then sank the Frye, fearing
a long delay in what he considered
the path of hostile cruisers, might
subject his own ship to danger.

Captain Kiehne said that he did
not know, while en route to Queens-
town, that the cargo of wheat had
been sold, nor did the German com-
mander. The cargo was shipped "to
order," and the vessel was to stop at
three British ports, one of which was
fortified.

While no vessels were sunk, nor
was any chase made for enemy ships
while the Americans were aboard the
Eitel, Captain Kiehne said the Ger-
man commander made no effort for
more than a month to land his neu-
tral passengers in a safe port. Un-
doubtedly this may be one of the
chief points of future representations
by the United States, because it is
held that the Americans were sub-
jected to unnecessary risks.

W. D. Sewall of Bath, Maine, one
of the owners of the Frye, was asked
if he knew anything of the ownership
of the cargo and he declared, it was
said, that he had no financial interest
in the sale of the cargo or knowl-
edge of to whom it would be sold.

Officials after listening to the state-
ment of Captain Kiehne, took the
view that the American case was a
strong one and that when all the
facts were presented to Germany res-
titution would be made.

Funds for State Fair Provided By Act's Continuation

(State Capital Bureau
or Evening Herald,
51 De Vargas Hotel.)

Santa Fe, N. M., March 12.—
It was pointed out in the senate
this morning that the general
appropriation bill must be passed
to continue the status of the
state fair appropriation is hard-
ly justified by the condition.
The state fair appropriation of
\$5,000 enacted two years ago is
a self-perpetuating, continuing
appropriation from year to year
until annulled by specific statu-
ture. The fact that the \$5,000
appropriation is not included in
the general appropriation bill
does not effect the availability
of the money.
While it had been hoped that
an increased appropriation could
be secured, the Bernillo count-
ty representatives are some-
what comforted by the fact that
they have not lost the original
\$5,000 a year which has been
seriously threatened at various
times during the session.

Colorado Solon Handed Cash While in House; Judge Asks Probe

Denver, March 12.—Carl Gibson, a messenger boy, was arrested at Ster-
ling, Colo., and brought to Denver today to be questioned by the district at-
torney in connection with the investigation of Representative W. W. How-
land's receipt of a package of currency in the Colorado house of representa-
tives. Gibson, who also is a local boxer under the name of "Kid" Gibbons,
disappeared soon after a legislative committee began taking testimony in an
effort to determine who sent the money to Howland and what for. He was re-
ported to have carried the package of money into the house chamber at a
hearing of the legislative committee lasting until after midnight. This morn-
ing Howland said that his former explanation was false, and that the money
actually was sent to Dr. Mary Bates, to be paid to a woman detective. Mrs.
L. L. Hartsell, a detective, testified that she was employed by Dr. Bates to
"shadow" John R. Phillips, probation officer of the Denver juvenile court.
Bills for the abolition of this court, presided over by Judge Ben D. Lindsey,
are pending in the legislature.

Judge Lindsey said today that he had made complaint to District At-
torney John Rush asking for the arrest of persons supposed to be connected with
the Howland affair, on charges of conspiracy. Rush previously had an-
nounced that the whole matter would be presented to the county grand jury.
Carl Gibson, the messenger, told the district attorney that the package he
carried to the house chamber was given him not by a woman but by a man,
according to Judge Lindsey.
Dr. Mary Bates could not be located today.

Blood Replies To Rutherford's Statement

Chairman of Committee Turns
Over Written Denial of
Claims of Democratic House
Member of Probe Board.

(State Capital Bureau
or Evening Herald,
51 De Vargas Hotel.)

Santa Fe, N. M., March 12.—Chair-
man F. O. Blood, of the Blood in-
vestigation committee, which investi-
gated the First State bank of Las
Cruces, etc., gave out a statement to-
day replying to an interview with W.
L. Rutherford, Democratic house
member of the committee, recently
published.

Mr. Blood's statement follows:

"On February 13 at a meeting of
the committee in the capital, at which
were present E. C. Crampin, F. O.
Blood, Teofilo Chavez y Luna, W. L.
Rutherford, C. H. Aldridge and J. E.
Reinberg, the officers of the investi-
gation committee were elected and
the question of appointing an attor-
ney for the committee was discussed.
It was distinctly understood at that
time that there would be only one at-
torney for the committee."

"The question of allowing the so-
called minority to employ an attor-
ney to represent certain individuals
also was discussed. Senator Crampin
made a motion to the effect that if
the so-called minority desired to
employ an attorney they would be al-
lowed to do so; that such attorney
would be permitted to advise wit-
nesses, but not to cross question
them. The question was discussed at
length and was decided by a party
vote, Mr. Blood casting the deciding
ballot. There was absolutely no pos-
sibility of a misunderstanding. The
Democratic members of the commit-
tee did not go to Las Cruces under
any misapprehension of conditions.
Captain J. E. Reinberg, who is not a
member of the committee, was pres-
ent at the meeting and will substan-
tiate these statements."

PLANS FOR FUNERAL OF MRS. ROCKEFELLER AWAIT HIS ARRIVAL

Tarrytown, N. Y., March 12.—
Plans for the funeral of Mrs. John
D. Rockefeller, who died at her home
here yesterday morning, were held
in abeyance today to await the arrival
of Mr. Rockefeller and his son, who
were speeding north from Orlando,
Fla. They were due to reach Ponca-
ke Hills late this afternoon.
It was regarded as probable that
funeral services would be held here
tomorrow afternoon and that Mrs.
Rockefeller would be buried at Cleve-
land, O., where she grew to woman-
hood and where she spent much of
her time in recent years.

SPARKS IGNITE OIL WHICH EXPLODES, KILLING FOUR BOYS

New York, March 12.—The explo-
sion of a large oil tank adjoining the
Long Island railroad freight yard in
the east New York section of Brook-
lyn shortly after noon today killed
four boys and seriously injured seven
other persons. Four men, employees
of the Crew Levek company which
owned the tank, were reported mis-
sing.
The tank was partly under ground
and was said to have contained 11-
600 gallons of oil. The four boys
killed were playing nearby.
The oil in the tank is believed to
have been ignited by sparks from a
freight engine. Until the fire which
followed burned itself out there was
little hope of determining the fate of
the missing.

ACTS PASSED OVER VETO JUST AFTER NOON YESTERDAY BELIEVED LEGL

No Break in Session Up to That
Time and if Record Can Be
Kept Straight Bills May
Stand as Enacted.

WORK DONE TODAY IS
UNDER CLOUD OF DOUBT

Majority Members, Anxious at
Possibility of Exceeding Con-
stitutional Limit, Force Sup-
ply Measures.

(State Capital Bureau
or Evening Herald,
51 De Vargas Hotel.)

Santa Fe, N. M., March 12.—This
morning the main question at issue in
the state capital is whether or not
bills which passed the house yester-
day and this morning, and which the
governor may wish to approve, are
legal or illegal. The majority man-
agers claim that they are. The op-
position asserts that they are not.
Should these measures be enacted in-
to law there seems little doubt that
some of them at least will be tested in
the courts.

That the bills passed over the veto
immediately after the noon hour yester-
day probably are legally passed
seems to be conceded, since there had
been no break in the session and
since many times the courts have sus-
tained the pushing back of the legisla-
tive clock. But the matter of ex-
ceeding what appears to be the con-
stitutional time limit by a whole day
is going too strong even for some
members of the majority whose an-
xiety over the procedure was shown
when they insisted that the general
appropriation bill must get through
by the noon hour yesterday, a feat
accomplished only with great effort
and at considerable personal sacri-
fice on the part of a number of prom-
inent Republicans.

The work yesterday afternoon and
last night was of a haggard desultory
character, although many of the bills
passed are of importance. There was
evident a general spirit of relaxing
and the evident idea that nothing
passed really mattered so very much.

Further evidence of the extreme
doubt on the part of the majority of
the validity of its acts passed after
12 o'clock noon of Friday was plainly
evident in the appropriation bill
wherein a provision is added to the
appropriation for the traveling auditor's
salary and expense account providing
that no portion of such salary or ex-
pense account should become avail-
able or be made under the provisions
of House bill No. 215, the traveling
auditor bill, are enacted into law.
It has been pointed out that the gov-
ernor may veto this provision in the
appropriation bill, so that if the vet-
ted bill as passed should be proven
invalid, as some contend it may be,
the office will still be in working
shape.

RENEHAN CLAYBANK BILL KILLED IN THE SENATE

The Renehan claybank bill, one of
the measures over which there has
been much discussion and controversy
throughout the session, and which the
house passed after an investigation
and report by a special committee,
failed of passage in the senate today.
(Continued on Page Two.)

NEAR RIOT OCCURS IN SENATE WHEN MR. PAGE TRIES TO STOP CLOCK

Barly Sergeant at Arms Warns Him Off at Order of Lieutenant
Governor and After Dramatic Moment Tension Relaxes;
Presiding Officer Makes It Plain That So Far As He Is
Concerned Session Ended Yesterday at Noon; Miers Pre-
sides Few Minutes.

UNUSUAL SPECTACLE OF TWO CHAIRMEN PRESENT AT SAME TIME AFFORDED AS SANDOVAL MAN TAKES CHAIR

House Doesn't Bother With Formalities But, Assisted by
Charles Springer, Faithful to People to Last, Puts Time-
Piece Out of Business; Little of Importance Transacted
This Morning Before Cessation of Activity Shortly After
12 o'clock Today.

(State Capital Bureau
or Evening Herald,
51 De Vargas Hotel.)

Santa Fe, N. M., March 12.—The second New Mexico legislative assembly
ended its labors and adjourned sine die in both houses at about half past 12
o'clock noon, today, by the clock in the house, adjournment was taken at 11:40
at which time the sergeant at arms stopped the clock in the house chamber,
the house running on its own time and under its own well known speed until
a final decision to quit was reached. In the senate a near-riot was precipitated
by a motion of Mr. Holt's that the senate clock be stopped, to which action
the presiding officer spoke this briefly:

"I never heard of such a motion. The clock will not be stopped."
This was at 11:35. Mr. Miers was attempting to conduct a filibuster on
a question of personal privilege. The chair was in the act of calling Mr.
Miers to order as having used the five minutes allotted for such a purpose
when Senator Page went out of the chamber and returned with an employee
bearing a step-ladder, which was placed directly beneath the clock. Lieuten-
ant-Governor De Baca ordered the sergeant at arms to check any attempt to
stop the clock, and when Senator Page finally advanced upon the step-lad-
der in a determined manner, the sergeant at arms, who, although not as tall
as Senator Page, is considerably bigger around assumed a belligerent attitude
beside the Senator and announced in a loud voice that he would see to it that
nobody would stop that clock.

Faced with this kind of material opposition Senator Page made no further
effort to carry out his assault upon the timepiece and after a minute of pos-
ing as the center of a somewhat striking picture, he returned to his seat, the
senate proceeded with its business as did the clock.

It was an extremely fitting finale to the program of legislative horse-play
with clocks, journals, legislative days, the calendar and the constitution which
the majority has been conducting since Thursday night, when plans were first
put in motion for adding a day to the legislative period allowed by the funda-
mental law.
In the course of this program, designed to force an extension of one day
of the time before the pocket veto became effective and at the same time per-
mit of passage of the anti-executive measure over the veto, the majority has
managed to enmesh itself in a most remarkable tangle. First, on Thursday
night, by refusing to accept the advice of the presiding officer, who insisted
upon adjournment at the end of the legislative day, the senate majority took
a recess, thus extending the fifty-ninth legislative day to an estimated 34
hours of added time. This so confused the house of representatives that its
chief clerk, in sending over his certificates of the passage of the bills put over
the veto forgot to state the time at which the bills were passed and when the
presiding officer of the senate insisted upon the time being inserted and the
certificates correctly rewritten, it became necessary for several rewritings
of such certificates to be made and some of them Lieutenant-Governor De Baca
refused to sign, as utterly and conclusively wrong. He has made the record
absolutely clear that insofar as the presiding officer of the senate is concerned
the legislative period ended at 12 o'clock noon, Friday, when the constitutional limit
was reached and the record shows that the added 34 hours was added by a
majority of votes passed by the republican members of the senate.

So complicated had the situation become that the house, when it met this
morning at 11 o'clock, found it necessary immediately to adjourn to meet again
at five minutes after eleven, the amazing record of this procedure showing
that in the house the fifty-ninth day ended at 11 o'clock this morning and that
the sixtieth day began at five minutes after eleven.

When Senator Page finally had been reduced to submission in the senate,
Senator Barth addressed the senate with a recitation of the Hyman "America."
Efforts to stop him failed and he was on a second round of the verses when
his five minutes elapsed.

Mr. Holt said he regretted any attempt had been made to violate any the
rules of the senate, which statement caused a ripple of excitement among the
minority members. The floor leader said it was time for calm consideration.
He said that if the president felt that he could not sign certificates relative to
action in the house he would move that the president who term of the senate
be instructed to sign them. He said that if the president decided to surren-
der the gavel at 12 o'clock, the senate would remain in session and proceed
with its business.

The clock struck twelve.
Mr. De Baca in a formal announcement, declared the senate adjourned
sine die. Messrs. Barth and Mabry walked out of the chamber, the other
senators kept their seats and the Lieutenant-governor remained seated at the
presiding officer's desk. At 12:10 Mr. Holt said that the Lieutenant-governor
"through a mistaken judgment of his constitutional prerogative, having with-
held action of the senate" he moved that the president pro tem be instructed
to take the chair and continue with the business of the senate. By this time all
the democratic senators had left the chamber and the motion was carried
unanimously. Lieutenant-Governor De Baca was busy at his desk and did
not leave his seat. A table was carried in from the stenographers' room at
which Mr. Miers, the president pro tem, seated himself and called the senate
to order.

Mr. Holt moved that remarks by the Lieutenant-governor and by him-
self with reference to the adjournment procedure be omitted from the record.
This was carried and after motions to appoint committees to notify the house
that the senate was ready to adjourn, Mr. Holt moved that there be struck
from the certificates of the house on Senate Substitute for House bill No. 71,
certified as passed by the chief clerk of the house, the words passed "after
noon of said." Mr. Holt moved that the president pro tem be authorized
to sign the minutes of the proceedings. This being carried, the senate, at
12:35, adjourned sine die.

The senate met at 10 o'clock, and after the journal for the previous day
had been referred to the committee on revision, it is understood for the
purpose of harmonizing certain matters in connection with the extension of the
session, a recess of 45 minutes was declared. When the senate reconvened
the revision of the journal committee presented a report to the illuminating
effect that the journal had been revised, which was adopted.
By a vote of 12 to 7 the senate refused to confirm and rejected the nomi-
nation of Isidoro A. Pina, of Socorro county, to be superintendent of insur-
ance and of A. P. Hill, of Santa Fe to be game warden.
House bill No. 216, making an appropriation to carry on the boundary sur-
veys against Texas was passed by a vote of 19 to 2 after the senate had reduced the
appropriation from \$18,000 to \$5,000 and with a supplementary provision.